

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TQP DEVELOPMENT, LLC**

**Plaintiff,**

**v.**

**BED BATH & BEYOND, INC.,**

**Defendant.**

**CIVIL ACTION NO. 2:14-cv-566**

**JURY TRIAL DEMANDED**

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**PLAINTIFF TQP DEVELOPMENT, LLC'S  
ANSWER TO DEFENDANT'S COUNTERCLAIMS**

Plaintiff TQP Development, LLC ("TQP") files its Answer to Defendant Bed Bath & Beyond, Inc. ("BBB") Counterclaims (Dkt. No. 12) filed July 15, 2014, as follows. TQP's specific responses to the numbered allegations are set forth below.

**PARTIES**

1. Admitted.
2. Admitted.

**JURISDICTION**

3. TQP admits that Defendant's counterclaims arise under the patent laws of the United States. Further, TQP admits that the jurisdiction of this Court is proper over Defendant and TQP's claims that Defendant infringes the '730 Patent. Except as so admitted, the remaining allegations in Paragraph 3 are denied.
4. TQP admits that venue in this District is appropriate over TQP's claims regarding Defendant's infringement of the '730 Patent. Except as so admitted, the remaining allegations in Paragraph 4 are denied.

**COUNT I**

**DECLARATION REGARDING NON-INFRINGEMENT**

5. TQP admits that there is an actual controversy between the parties regarding Defendant's infringement of the '730 Patent. Except as so admitted, the remaining allegations in Paragraph 5 are denied.
6. TQP admits that Defendant requests a declaratory judgment but TQP denies that Defendant is entitled to any such relief.

**COUNT II**

**DECLARATION REGARDING INVALIDITY**

7. TQP admits that there is an actual controversy between the parties regarding Defendant's infringement of the '730 Patent. Except as so admitted, the remaining allegations in Paragraph 7 are denied.
8. TQP admits that Defendant seeks a declaratory judgment but denies that Defendant is entitled to any such relief.

**PRAYER FOR RELIEF**

Defendant's Prayer for Relief as to Counterclaim is an averment to which no responsive pleading is required pursuant to Fed. R. Civ. P. 8(d) and is therefore denied.

**JURY DEMAND**

Defendant's Jury Demand is an averment to which no responsive pleading is required pursuant to Fed. R. Civ. P. 8(d) and is therefore denied.

Dated: August 1, 2014

Respectfully submitted,

By: /s/ Austin Hansley

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**ATTORNEY FOR PLAINTIFF**

**TQP DEVELOPMENT, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile, and/or first class mail on this date

/s/ Austin Hansley

Austin Hansley